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OCA 87-3116  
21 July 1987

MEMORANDUM FOR: AA/OSD/OGC  
C/OSD/OGC  
☐ PCS/DO

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FROM: ☐ Legislation Division  
Office of Congressional Affairs

STAT

SUBJECT: State Draft Amendments to Immigration &  
Nationality Act: Categories of Excludable  
Aliens

1. The Office of Management of Budget (OMB) has requested the Agency's views on the attached draft bill amending the Immigration and Nationality Act which was prepared by the Department of State. The bill would amend those portions of the Act which deal with the grounds on which aliens can be excluded.

2. As you may recall, the portions of the Act which deal with the grounds on which an alien can be excluded have been the subject of Congressional interest for the last few years. On the one hand, there has been pressure to repeal the McGovern amendment, the provision which effectively does away with the exclusion of Communist Party members otherwise eligible for immigration. There is also a general feeling that the grounds for exclusion should be brought up to date and concepts such as "public charge" be modified. Finally, in the wake of the action by the State Department to exclude from admission for foreign policy reasons aliens who wished to speak in the United States, proposals have been made to alter State's powers in this area and/or create a cause of action to permit United States' persons to seek judicial review of such decisions.

3. While indicating general support for an updating of the law in this area, the Administration and State have been opposed to controversial changes in the grounds for exclusion and, in particular, to the creation of a cause of action.

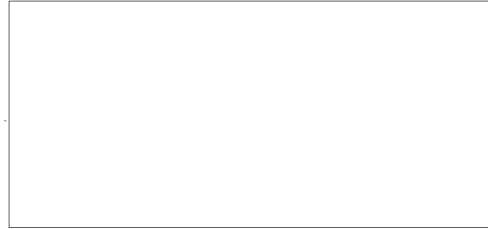
4. H.R. 1119, a bill amending the Act in this area, contains a number of the proposals to which the Administration is opposed. The State draft bill is the Administration's response to H.R. 1119.

5. OMB has asked for the Agency's comments on the State draft bill by Friday, July 24th. We, therefore, ask for your comments by noon of that date.

6. Under cover of a separate memorandum, we are soliciting your comments on a draft views letter on H.R. 1119 which was solicited some time ago by Chairman Rodino of the House Judiciary Committee.

7. Your cooperation is appreciated.

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Attachment:  
as stated

Distribution:

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OCA/LEG: [redacted] (21 Jul 87)

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**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
 WASHINGTON, D.C. 20503

July 20, 1987

**LEGISLATIVE REFERRAL MEMORANDUM**

**SPECIAL**

**TO: SEE ATTACHED DISTRIBUTION LIST**

**SUBJECT:** Department of State draft bill to amend the Immigration and Nationality Act concerning grounds for exclusion and deportation of aliens.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than July 24, 1987

(NOTE -- This legislation has been drafted in response to a June 23 House Judiciary Immigration subcommittee hearing on H.R. 1119 at which State testified that concerned agencies were working to develop a suitable proposal concerning grounds for excluding aliens.)

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.

*[Signature]*  
 James C. Murr for  
 Assistant Director for  
 Legislative Reference

**Enclosure**

cc: A.B. Culvanhouse, Jr.	Tara Treacy	Barry Clendenin	Jim Nix
Jack Carley	Tracy Davis	Kevin Scheid	
John Cooney	Robert Fishman	Norine Noonan	